

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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PROJECT VERITAS ACTION  
FUND,

Plaintiff,

v.

DANIEL F. CONLEY,  
SUFFOLK COUNTY DISTRICT  
ATTORNEY

Defendant.

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Civil Action No. 16-10462-LTS

**MOTION TO DISMISS  
AND, IN THE ALTERNATIVE,  
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), the defendant, Suffolk County District Attorney Daniel Conley, moves to dismiss the Plaintiff's complaint. The Plaintiff, Project Veritas Action Fund, lacks standing to bring its complaint. Further, the claims alleged in the complaint do not state plausible grounds for relief.

In the alternative, the Defendant also opposes the Plaintiff's *Motion For A Preliminary Injunction* (Docket No. 21). The Plaintiff is not likely to succeed on the merits of its claims and the other three prongs of the applicable test do not weigh in its favor.

In further support, the Defendant relies on the accompanying Memorandum of Law.

Respectfully submitted,

For District Attorney Daniel Conley:

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Ryan E. Ferch  
Ryan E. Ferch (BBO No. 670151)  
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Dated: June 24, 2016

**LOCAL RULES 7.1(A)(2) CERTIFICATION**

I hereby certify that I have conferred with opposing counsel and attempted in good faith to resolve or narrow these issues.

/s/ Ryan E. Ferch  
Ryan E. Ferch  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Ryan E. Ferch  
Ryan E. Ferch  
Assistant Attorney General